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October 27, 2009

Roger A. Goodnough
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BY ECF

Honorable Lois Bloom
United States Magistrate Judge
United States District Court
225 Cadman Plaza East
Brooklyn, NY 11201

The application is ☒ granted.
☐ denied.
SO ORDERED,

/s/ Lois Bloom
Lois Bloom, U.S.M.J.
Dated: 10/28/09
Brooklyn, New York

Re: Kerry L. Marshall v. Connex Credit Union, Inc.
Docket No.: 08-CV-1263 (BMC)(LB)
Our File No.: 2030.234

*This action is stayed
pending the
termination of the
criminal case.
Defendant's counsel
shall report the
status of the
criminal case
by 2/15/10.*

Dear Judge Bloom:

We represent defendant Connex Credit Union, Inc. in the captioned matter.

Your Honor, by endorsed Order dated June 4, 2009, directed that we inform Your Honor of the status of the criminal case against plaintiff Kerry L. Marshall by October 30, 2009. This will provide you with that status report.

There has been much activity in the criminal action since my prior report to you dated June 3, 2009. At the present time, motions are scheduled to be heard by United States District Judge Janet C. Hall on November 9, 2009. A trial date had been set for early January 2010, with jury selection being scheduled for January 12, 2010, and the receipt of evidence to commence on January 13, 2010. However, among the motions presently pending, is a motion by Mr. Marshall to dismiss the indictment. I recently noted from a memorandum filed by the Government in response to that motion that the Government acknowledges that the Speedy Trial Act was violated and that, as a consequence, the indictment must be dismissed, although the Government contends that dismissal must be without prejudice. I spoke by telephone with David J. Sheldon, Esq., the Assistant United States Attorney handling the criminal matter, on October 21, 2009, respecting this development and how he intends to proceed.

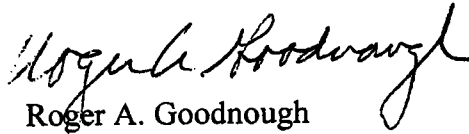
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Mr. Sheldon informed me that he will appear for the argument of the motions on November 9, 2009. Mr. Sheldon stated that the violation of the Speedy Trial Act was minor and technical, and that he expects any dismissal will be without prejudice and he will be able to promptly re-indict the matter and that the trial will occur in either January of 2010, as presently scheduled, or possibly February of 2010. He noted that the case remains on the calendar for jury selection in January 2010.

In the interest of completeness, I have attached copies of the most recent docket entries for that matter since my letter to you of June 3, 2009.

Respectfully submitted,


Roger A. Goodnough

RAG:njh
Enclosure

cc (by Federal Express): Mr. Kerry L. Marshall